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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,870	07/31/2001	John L. Blair	BLAIR 2-4-1-4	2060
47396	7590	05/17/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,870	BLAIR ET AL.	
	Examiner William J. Deane	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10/26/2005 & 01/19/2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3 and 16 is/are rejected.

7) Claim(s) 4-15 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Allowable Subject Matter

Claims 4 – 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,135 (Ozluturk et al.).

As for claim 1, Ozluturk et al. disclose a method of controlling power of a transmitted communication signal (see Col. 1, lines 8 – 10) comprising, amplifying a communication signal (see Col. 3, lines 51 – 53); transmitting the amplified communication signal (as read on “radiated by antenna 40”); receiving at least one parameter on the transmitted signal (as read on “... the clipping circuitry is applicable to systems utilizing adaptive power control”, and the functions performed in Col. 2, lines 2 – 28 and Col. 4, lines 28 – 35; determining a measure of interference (or “transmittal signal-to-noise ratio”) with the transmitted signal based on the received parameter (See

Col. 4, lines 11 – 15 and lines 23 – 29); and increasing an average power level of the communication signal by clipping the communications signal prior to amplification by an amount based on the determined measure (as read on “beta will be two times the standard deviation”, See Col. 4, lines 36 – 47).

With respect to “receiving a second communication signal from the second transmission source, the receiving including receiving at least one parameter derived from the first communication signal”. Note Col. 4, lines 48 – 57.

With regard to “determining a measure of interference with the transmitted first signal based on the at least one parameter.” In addition to the above, note again Col. 4, lines 48 – 57.

As for claim 2, the limitation reads in Ozluturk’s “transmittal signal-to-noise ratio” (see Col. 4, line 3).

With respect to claim 3, such limitations read on the functions performed by Ozluturk’s system in Col. 4, lines 41 – 46.

As for claim 16, Ozluturk’s et al. disclose in Fig. 5, the claimed apparatus for controlling power of a transmitted signal, comprising a limiter clipping a received signal based on a first control signal (or signal limiter 50); a gain controller adjusting a gain of output from the limiter based on a second control signal (or processor 54) and a controller receiving a communication signal including a parameter on a signal transmitted by the apparatus (or power measurement device 52), determining a measure of interference with the transmitted signal based on that parameter (See Col. 4, lines 11 – 15 and lines 23 – 29), and generating the first and second signals such that

an average power level of the transmitted signal is increased based on the determined measure (as read on “beta will be two times the standard deviation”, see Col. 4, lines 36 – 47).

With regard to “determining a measure of interference with the transmitted first signal based on the at least one parameter.” In addition to the above, note again Col. 4, lines 48 – 57.

As for claim 2, the limitation reads in Ozluturk’s “transmittal signal-to-noise ratio” (see Col. 4, line 3).

Response to Arguments

Applicant's arguments filed 01/19/2006 have been fully considered but are not deemed persuasive to any error in the rejection above.

Applicant's arguments answered in the rejection above.

In addition, the examiner is citing U.S. Patent No. 6,718,165 (Ha). In particular, applicant should compare Fig. 2 of Ha with Fig. 1 of the instant application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 273-8300.

11May2006



WILLIAM J. DEANE, JR.
PRIMARY EXAMINER